

## VIRGINIA CONSTITUTION

Va. Const. Art. IX, § 133. *School districts; school trustees.*

—The supervision of schools in each county and city shall be vested in a school board, to be composed of trustees to be selected in the manner, for the term and to the number provided by law. Each magisterial district shall constitute a separate school district, unless otherwise provided by law, and the magisterial district shall be the basis of representation on the school board of such county or city, unless some other basis is provided by the General Assembly; provided, however, that in cities of one hundred and fifty thousand or over, the school boards of respective cities shall have power, subject to the approval of the local legislative bodies of said cities, to prescribe the number and boundaries of the school districts.

The General Assembly may provide for the consolidation, into one school division, of one or more counties or cities with one or more counties or cities. The supervision of schools in any such school division may be vested in a single school board, to be composed of trustees to be selected in the manner, for the term and to the number provided by law. Upon the formation of any such school board for any such school division, the school boards of the counties or cities in the school division shall cease to exist.

There shall be appointed by the school board or boards of each school division, one division superintendent of schools, who shall be selected from a list of eligibles certified by the State Board of Education and shall hold office for four years. In the event that the local board or boards fail to elect a division superintendent within the time prescribed by law, the State Board of Education shall appoint such division superintendent.

\* \* \*

## App. 2

Va. Const. (Revised) Art. VIII, § 5. *Powers and duties of the Board of Education.*—The powers and duties of the Board of Education shall be as follows:

(a) Subject to such criteria and conditions as the General Assembly may prescribe, the Board shall divide the Commonwealth into school divisions of such geographical area and school-age population as will promote the realization of the prescribed standards of quality, and shall periodically review the adequacy of existing school divisions for this purpose.

\* \* \*

Va. Const. (Revised) Art. VIII, § 7. *School boards.*—The supervision of schools in each school division shall be vested in a school board, to be composed of members selected in the manner, for the term, possessing the qualifications, and to the number provided by law.

\* \* \*

### VA. CODE ANN. (1950)

§ 15.1-982: *Result of census; order.*—If it shall appear to the satisfaction of the court, or the judge thereof in vacation, from such enumeration that such incorporated community has a population of five thousand or more, such court or judge shall thereupon enter an order declaring that fact to exist and thereafter such incorporated community shall be known as a city and entitled to all the privileges and immunities and subject to all the responsibilities and obligations pertaining to cities of this Commonwealth. . . .

§ 22-30. *How division made.*—Until the first day of the fourth month following adjournment of the session of the General Assembly to which is submitted the report of a legislative study recommending criteria and conditions to be

prescribed by the General Assembly under § 5 (a) of Article VIII of the Constitution, the Board of Education, in dividing the Commonwealth into school divisions, shall be governed by the following criteria and conditions:

(1) No school division shall be composed of more than one county or city;

(2) No school division shall be composed of a county or city and any one of the following towns: Abingdon, Cape Charles, Colonial Beach, Fries, Poquoson, Saltville, or West Point.

Notwithstanding any of the above criteria and conditions, the Board of Education may, upon the request of the school boards of the counties, cities, and towns affected, concurred in by the governing bodies thereof, consolidate or otherwise alter school divisions.

§ 22-43. *Special districts continued.*—Special town school districts which now exist for the purposes of representation on division school boards shall continue.

§ 22-93. *Establishment of public free school system.*—The city school board of every city shall establish and maintain therein a general system of public free schools in accordance with the requirements of the Constitution and the general educational policy of the Commonwealth.

§ 22-97. *Enumeration of powers and duties.*—The city school board shall have the following powers and duties:

(1) *Rules and regulations.*—To explain, enforce, and observe the school laws, and to make rules for the government of the schools, and for regulating the conduct of pupils going to and returning therefrom.

#### App. 4

(2) *Method of teaching and government employed.*—To determine the studies to be pursued, the methods of teaching, the government to be employed in the schools, and the length of the school term.

(3) *Employment and control of teachers.*—To employ teachers on recommendation of the division superintendent and to dismiss them when delinquent, inefficient or in anywise unworthy of the position; provided, that no school board shall employ or pay any teacher from the public funds unless the teacher shall hold a certificate in full force, according to the provisions of §§ 22-203 to 22-206. It shall also be unlawful for the school board of any city, or any town constituting a separate school district, to employ or pay any teacher or other school employee related by consanguinity or affinity as provided in § 22-206. The exceptions and other provisions of that section shall apply to this section.

(4) *Suspension or expulsion of pupils.*—To suspend or expel pupils when the prosperity and efficiency of the school make it necessary.

(5) *Free textbooks.*—To decide what children, wishing to enter the schools of the city, are entitled to receive textbooks free of charge and to provide for supplying them accordingly.

(6) *Establishment of high and normal schools.*—To establish high and normal schools and such other schools as may, in its judgment, be necessary to the completeness and efficiency of the school system.

(7) *Census.*—To see that the census of children required in § 22-223 is taken within the proper time and in the proper manner.

(8) *Meetings of boards.*—To hold regular meetings and to prescribe when and how special meetings may be called.



App. 5

(9) *Meetings of people.*—To call meetings of the people of the city for consultation in regard to the school interests thereof, at which meetings the chairman of some other member of the board shall preside if present.

(10) *Schoolhouses and property.*—To provide suitable schoolhouses, with proper furniture and appliances, and to care for, manage, and control the school property of the city. For these purposes it may lease, purchase, or build such houses according to the exigencies of the city and the means at its disposal. No schoolhouse shall be contracted for or erected until the plans therefor shall have been submitted to and approved in writing by the division superintendent of schools, and no public school shall be allowed in any building which is not in such condition and provided with such conveniences as are required by a due regard for decency and health; and when a schoolhouse appears to the division superintendent of schools to be unfit for occupancy, it shall be his duty to condemn the same, and immediately to give notice thereof, in writing, to the chairman of the school board, and thenceforth no public school shall be held therein, nor shall any part of the State or city fund be applied to support any school in such house until the division superintendent shall certify, in writing, to the city school board that he is satisfied with the condition of such building, and with the appliances pertaining thereto.

(11) *Visiting schools.*—To visit the public free schools within the city, from time to time, and to take care that they are conducted according to law, and with the utmost efficiency.

(12) *Management and control of funds.*—To manage and control the funds of the city made available to the school board for public schools, to provide for the pay of teachers

and of the clerk of the board, for the cost of providing school-houses and the appurtenances thereto and the repairs thereof, for school furniture and appliances, for necessary textbooks for children attending the public free schools whose parent or guardian is financially unable to furnish them; and for any other expenses attending the administration of the public free school system, so far as the same is under the control or at the charge of the school officers.

(13) *Approval and payment of claims.*—\* \* \*

(14) *Report of expenditures and estimate of necessary funds.*—It shall be the duty of the school board of every city, once in each year, and oftener if deemed necessary, to submit to the council, in writing, a classified report of all expenditures and a classified estimate of funds deemed to be needed for the proper maintenance and growth of the public schools of the city, and to request the council to make provisions by appropriation or levy pursuant to § 22-126, for the same.

(15) *Other duties prescribed by State Board.*—To perform such other duties as shall be prescribed by the State Board or are imposed by other parts of this title.

(16) *Acquisition of land.*—City school boards shall, in general, have the same power in relation to the condemnation or purchase of land and to the vesting of title thereof, and also in relation to the title to and management of property of any kind applicable to school purposes, whether heretofore or hereafter set apart therefor, and however set apart, whether by gift, grant, devise, or any other conveyance and from whatever source; as county school boards have in the counties, and in addition thereto, they shall have the further right and power to condemn not in excess of fifteen acres of

## App. 7

land for any one school when necessary for school purposes, except that when dwellings or yards are invaded not more than five acres may be condemned for any one school; provided, however, that the school board of any city having a population of more than eighty-six thousand and not more than ninety thousand and any city having a population of more than seventy-five thousand but less than eighty-seven thousand, may have the right and power to condemn not in excess of forty-five acres when necessary for school purposes.

(17) *Consolidation of schools.*—To provide for the consolidation of schools whenever such procedure will contribute to the efficiency of the school system.

§ 22-100.1. *Single school board required.*—When the State Board of Education has created a school division, the supervision of schools in any such school division shall be vested in a single school board under the conditions and provisions as hereinafter set forth.

§ 22-100.3. *How composed; appointment and terms of members; vacancies.*—Where a school division is composed of two or more counties or one or more counties with one or more cities, the school board of such division shall be composed of no fewer than six nor more than nine members, the exact number to be determined by agreement of the governing bodies of the counties and cities composing the division. Unless the governing bodies of the counties and cities composing the division agree upon some other equitable and reasonable criteria, the number of members of the board from each county and city of the division shall be apportioned according to the population of each such county or city provided that no county or city shall have fewer than one member. Upon the creation of such school division the members for each county or city composing the division shall be ap-

## App. 8

pointed by the respective governing bodies thereof and shall serve until the first day of July next following the creation of such division. Within sixty days prior to that day each appointing body shall appoint the required number of members of the division school board as follows: If there be one member, he shall be appointed for a term of four years; if there be two members, one shall be appointed for a term of two years and one for a term of four years; if there be three members, one shall be appointed for a term of two years, one for a term of three years, and one for a term of four years; if there be four members, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years; if there be five members, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years and two for terms of four years; if there be six members one shall be appointed for a term of one year, one for a term of two years, two for terms of three years and two for terms of four years.

Within sixty days prior to the first day of July in each and every year thereafter there shall be appointed by the appropriate appointing body for a term of four years beginning the first day of July next following their appointment, successors to the members of the division school board for their respective counties or cities whose terms expire on the thirtieth day of June on each such year. Any vacancy occurring in the membership of the division school board from any county or city shall be filled for the unexpired term by the appointing body of such county or city. If each county or city has an equal number of members, the governing bodies concerned shall jointly select for a term of four years one person who shall be a member of the division school board only for the purpose of voting in case of an equal division of the regular members of the board on any question requiring



## App. 9

the action of such board. Such person shall be known as the tie breaker.

If the governing bodies are not able to agree as to the person who shall be the tie breaker, then upon application by any of the governing bodies involved to a circuit court having jurisdiction over a county or city embraced in such school division, the judge thereof shall name the tie breaker and his decision shall be final.

7